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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FIRESTAR SOFTWARE, INC., No. C-07-80204 MISC MMC (EMC)
Plaintiff,

v.

RED HAT, INC.

Defendant.

**ORDER FINDING THOUGHT, INC.'S
MOTION TO QUASH OR IN THE
ALTERNATIVE FOR A PROTECTIVE
ORDER MOOT**
(Docket No. 1)

On August 21, 2007, third-party Thought, Inc. filed a motion to quash a subpoena which was served on it by Defendant Red Hat, Inc. The hearing on the motion was continued several times as the parties attempted to resolve the matter without the need for judicial intervention. On March 18, 2008, both parties filed submissions, as the Court's request, providing an update as to the status of the discovery dispute. In its submission, Red Hat stated that it intended to withdraw its subpoena. Based on that representation, the Court hereby finds Thought's motion to quash or, in the alternative, for a protective order moot. The hearing on the motion is therefore **VACATED**.

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1 The parties should meet and confer to determine what should happen with the legacy ORM
2 CocoBase software that Thought provided to Red Hat, now that Red Hat has withdrawn its
3 subpoena. If the parties are unable to come to an agreement, then they should file a one-page joint
4 letter to the Court, stating what the remaining dispute is and the parties' respective positions. The
5 joint letter shall be filed by April 2, 2008.

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7 IT IS SO ORDERED.

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9 Dated: March 18, 2008

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EDWARD M. CHEN
United States Magistrate Judge

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